

C 3
15 a valve for controlling flow of water through said second water conduit and connected to said second water conduit between said container and said spray nozzle.

C 4
13. (Amended) The cooling system of claim 11, further comprising a means for attaching said second water conduit disposed on [fluid connector for fluidly communicating water from said connector to] said second water conduit.

14. (Amended) The cooling system of claim 13, wherein said fluid connector is secured to the second water conduit at the distal end of the second water conduit.

15. (Amended) The misting apparatus of claim 11, wherein said container further comprises means for sealing said inlet for filling [adding water to] the container.

REMARKS

By the foregoing Amendments, Claims 5, 6, 8, 11, 13, 14 and 15 have been amended. Favorable reconsideration of the application is respectfully requested.

Claims 6 and 11-17 were rejected on the grounds of indefiniteness, and the claims have been amended in accordance with the Examiner's suggestions and questions concerning the claims. It is believed that the rejection on the basis of indefiniteness can be withdrawn in view of

Serial No.: 09/358,280

these amendments of the claims. It is respectfully submitted that the amendments of the claims raise no new issues requiring further consideration or searching, and that these amendments of the claims place the application in a condition for allowance, or in a better condition for appeal.

Claims 5, 8 and 9 were rejected on the grounds of obviousness from Chow in view of Phister. Chow discloses a compressed air sprayer having a handle with multiple positions, a pressurizable tank, a hose 38 connected to the tank, a nozzle 34 on the hose that can produce anything from a fine mist to a jet spray, and a lever 36a for controlling flow through the hose. Phister discloses and claims a fire extinguisher. In Phister, a fluid tank has an outlet pipe 16 extending within the tank, connected to a check valve 17, to which a discharge hose 18 is connected. The discharge hose 18 bears a nozzle 19, and the flow through the discharge hose 18 and the nozzle 19 are controlled by the controlling cock 20 on the discharge hose near the nozzle 19. Straps 21 and 22 are provided to allow the fire extinguisher to be strapped to the back of a user. The present invention relates to a misting apparatus for cooling a local area in the vicinity of a person by evaporative cooling.

Even with the modification suggested by the Examiner of providing a conduit as taught by Phister inside the tank of Chow, the Examiner has not explained how the compressed air sprayer of Chow would be useful as a misting apparatus for cooling a local area in the vicinity of a person by evaporative cooling. For example, Claim 5 recites "a spray nozzle secured to the distal end of the second water conduit and in fluid communication with said second water conduit, said spray nozzle delivering a fine evaporative cooling mist of water in the vicinity of a person for

Serial No.: 09/358,280

cooling the person when pressurized water is supplied to said spray nozzle." Chow's nozzle 34 is at the end of an extended wand assembly extending from the wand grip portion 36, so that the wand would with difficulty be directed to deliver a fine evaporative cooling mist in the vicinity of a person for cooling the person, and it is clear from the construction of the compressed air sprayer of Chow, and particularly the extended wand assembly, that it is intended for spraying away from the person operating the sprayer.

Claims 6, 7 and 11-16 were also rejected on the grounds of obviousness from a combination of Chow with other references, including Carter and Jahraus. In view of the foregoing remarks concerning Chow, it is respectfully submitted that the rejection of Claims 5, 6, 7, 8, 9 and 11-16 on the grounds of obviousness should be withdrawn.

Claims 6-17 were rejected on the grounds of double patenting in view of U.S. Patent No. 5,620,140 claims 4 and 9, in view of Phister. It is believed that with the terminal disclaimer, the rejection on the grounds of double patenting can be withdrawn.

Our check in an amount of \$55.00 is enclosed to cover the fee for filing the disclaimer.

The Examiner objected to the drawings as not showing a fanny pack style bag, mentioned in the background section of the application at page 2, at about line 17, or apparently to allow use with a belt like strap without a bag, as is described at page 3 at about lines 13-14. However, the belt 2 is shown in Fig. 1. The embodiment wherein a bag housing the device is provided is described as "another preferred embodiment" so that it respectfully submitted that the

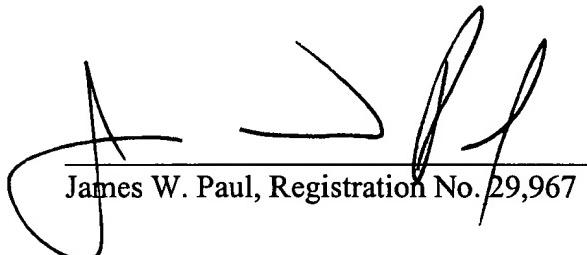
Serial No.: 09/358,280

showing of a fanny pack style bag or a bag housing the device is not essential to the understanding of the invention.

In light of the foregoing, it is respectfully submitted that the application is now in a condition for allowance, and an early favorable action in this regard is respectfully solicited.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP



James W. Paul, Registration No. 29,967

JWP:pg

Enclosures:

Terminal Disclaimer
Check for \$55.00
Return Postcard

10877 Wilshire Boulevard
Tenth Floor
Los Angeles, California 90024
Tel. No. (310) 824-5555
Fax No. (310) 824-9696